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_____ BILL NO. _____

3 INTRODUCED BY _____

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(Primary Sponsor)

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Section 1. Section 61-13-103, MCA, is amended to read:

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"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

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(2) The provisions of this section do not apply to:

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(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable to wear a seatbelt for medical reasons;

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(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

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(c) an operator of a motorcycle₁ as defined in 61-1-105₁ or a motor-driven cycle₁ as defined in 61-1-106;

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(d) an occupant of a vehicle licensed as special mobile equipment₁ as defined in 61-1-104; or

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(e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may

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be exempted by the department.

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(3) The department may adopt rules to implement subsection (2)(e).

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~~(4) The department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law."~~

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2 **Section 2.** Section 61-13-104, MCA, is amended to read:

3 **"61-13-104. Penalty --no record permitted.** ~~{1} A driver who violates 61-13-103 shall be fined \$20,~~
4 ~~but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711. A violation of~~
5 ~~61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license under~~
6 ~~61-11-203(2)(m). Bond for this offense is \$20, and a jail sentence may not be imposed.~~

7 ~~—— (2) A violation of 61-13-103 may not be recorded or charged against the driver's record of a person~~
8 ~~violating 61-13-103.~~

9 ~~—— (3) An insurance company may not hold a violation of 61-13-103 against the insured or increase the~~
10 ~~insured's premiums due to a violation of 61-13-103 \$30 for a first conviction, \$60 for a second conviction, and~~
11 ~~\$120 for a third or subsequent conviction.~~

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13 **Section 3.** Section 61-13-106, MCA, is amended to read:

14 **"61-13-106. Evidence ~~not~~ admissible without presumption of negligence.** Evidence of compliance
15 or failure to comply with 61-13-103 is ~~not~~ admissible in any civil action for personal injury or property damage
16 resulting from the use or operation of a motor vehicle, ~~and~~ but failure to comply with 61-13-103 does not alone
17 constitute negligence."

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- END -